

CLOSED,TYPE I-FOIA

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:12-cv-00791-RBW**

ANGUIMATE v. UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY

Assigned to: Judge Reggie B. Walton

Case: 1:13-cv-00129-ABJ

Cause: 05:552 Freedom of Information Act

Date Filed: 05/16/2012

Date Terminated: 03/27/2013

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**PAULETTE ANGUIMATE**

represented by **David Laundon Cleveland**  
CATHOLIC CHARITIES  
924 G Street, NW  
#225  
Washington, DC 20001  
(202) 772-4345  
Fax: (202) 386-7032  
Email: [1949.david@gmail.com](mailto:1949.david@gmail.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY**

represented by **Wynne Patrick Kelly**  
U.S. Attorney's Office  
Civil Division  
555 Fourth St., N.W.  
Washington, DC 20530  
(202) 307-2332  
Fax: (202) 514-8780  
Email: [wynne.kelly@usdoj.gov](mailto:wynne.kelly@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/16/2012	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF HOMELAND SECURITY ( Filing fee \$ 350, receipt number 4616048259) filed by PAULETTE ANGUIMATE. (Attachments: # <u>1</u> Civil Cover Sheet)(td, ) (Entered: 05/18/2012)
05/16/2012		SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (td, ) Modified to correct filed date on 5/18/2012 (td, ). (Entered: 05/18/2012)
05/30/2012	<u>2</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/16/12. (Cleveland, David) (Entered: 05/30/2012)
05/30/2012	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/16/2012. Answer due for ALL FEDERAL DEFENDANTS by 6/15/2012. (Cleveland, David) (Entered: 05/30/2012)
05/30/2012	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 5/16/2012 (Cleveland, David) (Entered: 05/30/2012)

06/13/2012	<u>5</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Kelly, Wynne) (Entered: 06/13/2012)
06/18/2012		MINUTE ORDER granting <u>5</u> Motion for Extension of Time to Answer. For good cause shown, it is ORDERED that the Defendant's Consent Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff's Complaint is GRANTED. It is further ORDERED that the defendant shall respond to the complaint on or before July 16, 2012. Signed by Judge Reggie B. Walton on 6-18-12. (lcrbw3, ) (Entered: 06/18/2012)
06/20/2012		Set/Reset Deadlines: Answer or respond to complaint by 7/16/2012, (mpt) (Entered: 06/20/2012)
07/16/2012	<u>6</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit 1 to Defendant's Statement of Material Facts -- Declaration of Jill A. Eggleston with attachments, # <u>3</u> Text of Proposed Order)(Kelly, Wynne) (Entered: 07/16/2012)
07/24/2012	<u>7</u>	MOTION for Extension of Time to File Response/Reply as to <u>6</u> MOTION for Summary Judgment by PAULETTE ANGUIMATE (Attachments: # <u>1</u> Text of Proposed Order)(nmw, ) (Entered: 07/24/2012)
07/25/2012		MINUTE ORDER granting <u>7</u> Motion for Extension of Time to File Response/Reply. For good cause shown, it is ORDERED that the Plaintiff's Consent Motion for Extension of Time to Reply to Defendant's Motion for Summary Judgment is GRANTED. It is further ORDERED that the plaintiff shall file her response in opposition to the defendant's motion for summary judgment on or before August 13, 2012. It is further ORDERED that the defendant shall file its reply in support of its summary judgment motion on or before August 27, 2012. Signed by Judge Reggie B. Walton on 7-25-12. (lcrbw3, ) (Entered: 07/25/2012)
07/26/2012		Set/Reset Deadlines: Plaintiff's Reply to Motion for Summary Judgment due by 8/13/2012. Defendant's Reply due by 8/27/2012. (mpt) (Entered: 07/26/2012)
08/05/2012	<u>8</u>	Memorandum in opposition to re <u>6</u> MOTION for Summary Judgment filed by PAULETTE ANGUIMATE. (Attachments: # <u>1</u> Exhibit Respondent's motion to compel, # <u>2</u> Declaration Declaration of David Cleveland concerning the Arlington Asylum Office, # <u>3</u> Text of Proposed Order draft order)(Cleveland, David) (Entered: 08/05/2012)
08/06/2012	<u>9</u>	MOTION for Summary Judgment by PAULETTE ANGUIMATE (Attachments: # <u>1</u> Text of Proposed Order)(Cleveland, David) (Entered: 08/06/2012)
08/23/2012	<u>10</u>	Memorandum in opposition to re <u>9</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Statement of Facts in Opposition to Plaintiff's Statement of Facts, # <u>2</u> Text of Proposed Order)(Kelly, Wynne) (Entered: 08/23/2012)
08/23/2012	<u>11</u>	REPLY to opposition to motion re <u>6</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Kelly, Wynne) (Entered: 08/23/2012)
08/30/2012	<u>12</u>	REPLY to opposition to motion re <u>9</u> MOTION for Summary Judgment filed by PAULETTE ANGUIMATE. (Cleveland, David) (Entered: 08/30/2012)
01/03/2013	<u>13</u>	ORDER. For the reasons set forth in the attached Order, the parties shall file a joint status report on or before January 7, 2013, discussing (1) whether the plaintiff's deportation proceedings were conducted in November 2012; (2) whether the defendant has produced to the plaintiff the Assessment she seeks in this lawsuit; and (3) whether this case still presents a live, justiciable controversy. Signed by Judge Reggie B. Walton on 1-3-13. (lcrbw3) (Entered: 01/03/2013)
01/04/2013		Set/Reset Deadline: The parties shall file a joint status report on or before 1/7/2013. (ad) (Entered: 01/04/2013)
01/07/2013	<u>14</u>	RESPONSE TO ORDER TO SHOW CAUSE by UNITED STATES DEPARTMENT OF HOMELAND SECURITY re <u>13</u> Order, <i>Joint Status Report</i> . (Kelly, Wynne) (Entered: 01/07/2013)

01/07/2013	<u>15</u>	Joint STATUS REPORT by PAULETTE ANGUIMATE. (rdj) (Entered: 01/08/2013)
01/24/2013	<u>16</u>	ORDER granting in part and denying in part <u>6</u> Motion for Summary Judgment; denying <u>9</u> Motion for Summary Judgment. In accordance with the Memorandum Opinion issued this same date, it is ORDERED that the defendant's motion for summary judgment is GRANTED with respect to the plaintiff's APA and due process claims, and as to the propriety of the defendant's withholding of the Assessment in full pursuant to FOIA Exemption 5, but is otherwise DENIED WITHOUT PREJUDICE. It is further ORDERED that the plaintiff's motion for summary judgment is DENIED WITHOUT PREJUDICE. It is further ORDERED that the defendant shall file a supplemental brief on or before February 7, 2013, addressing the plaintiff's arguments urging the Court to issue a declaratory judgment that the defendant's administrative responses to her FOIA request violated 5 U.S.C. § 552(a)(6)(A)(i), and an injunction barring such violations in the future. It is further ORDERED that the plaintiff shall file a memorandum in opposition to the defendant's supplemental brief on or before February 21, 2013. It is further ORDERED that the defendant shall file a reply in support of its supplemental brief on or before February 28, 2013. Signed by Judge Reggie B. Walton on 1-24-13. (lcrbw3) (Entered: 01/24/2013)
01/24/2013	<u>17</u>	MEMORANDUM OPINION. Signed by Judge Reggie B. Walton on 1-24-13. (lcrbw3) (Entered: 01/24/2013)
01/25/2013		Set/Reset Deadlines: Supplemental Brief due by 2/7/2013; Opposition due by 2/21/13; Reply due by 2/28/13. (mpt, ) (Entered: 01/25/2013)
02/07/2013	<u>18</u>	RESPONSE TO ORDER OF THE COURT re <u>16</u> Order on Motion for Summary Judgment,,,,,,,,, ( <i>Supplemental Brief</i> ) filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Kelly, Wynne) (Entered: 02/07/2013)
02/19/2013	<u>19</u>	REPLY <u>18</u> to Defendant's Supplemental Brief filed by PAULETTE ANGUIMATE. (Cleveland, David) Modified on 2/20/2013 (td, ). (Entered: 02/19/2013)
02/28/2013	<u>20</u>	REPLY re <u>19</u> Reply to Document, <u>18</u> Response to Order of the Court filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Kelly, Wynne) (Entered: 02/28/2013)
03/26/2013	<u>21</u>	ORDER. For the reasons set forth in the attached Order, it is ORDERED that, insofar as the plaintiff has moved for reconsideration of the Court's January 24, 2013 Memorandum Opinion and Order, that motion is DENIED. It is further ORDERED that, because the Court lacks jurisdiction over the plaintiff's claims challenging the defendant's administrative response to her FOIA request, the remaining claims in this case are DISMISSED. It is further ORDERED that this case is CLOSED. Signed by Judge Reggie B. Walton on 3-26-2013. (lcrbw3) (Entered: 03/26/2013)